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Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 21st December, 1992:—

BILL No. LXXIX OF 1992

A Bill further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Advocates (Second Amendment) Act, 1992. **Short title.**

2. In section 30 of the Advocates Act, 1961, after the words "Subject to the provisions of this Act", the words "and any other law for the time being in force" shall be inserted. **Amendment of section 30 of Act 25 of 1961.**

STATEMENT OF OBJECTS AND REASONS

Section 30 of the Advocates Act, 1961, which has not been brought into force, provides that every advocate whose name is entered in the roll of advocates prepared and maintained by a State Bar Council under the Act shall be entitled as of right to practise throughout the territories to which the Act extends in all courts including the Supreme Court, before any tribunal or person legally authorised to take evidence and before any other authority or person before whom such advocate is, by or under any law for the time being in force, entitled to practise. At the same time there are certain enactments which impose restrictions on the right of an advocate to appear before certain courts, tribunals and authorities such as the Industrial Disputes Act, 1947 and the Family Courts Act, 1984.

2. There has been a long standing demand from various professional bodies for the bringing into force of section 30 of the Advocates Act, 1961. However, before bringing the section into force, it is proposed to make it clear that the provisions of this section are subject to the provisions of special enactments which prohibit or restrict the appearance of legal practitioners before courts, tribunals, etc., as of right.

3. The Bill seeks to achieve the above object.

H. R. BHARDWAJ

SUDARSHAN AGARWAL,
Secretary-General.

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Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 22nd December, 1992:—

BILL No. 184 OF 1992

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the year 1992-93.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 5) Act, 1992. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand six hundred twenty-four crores and sixteen lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1992-93, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 2624,16,00,000 out of the Consolidated Fund of India for the year 1992-93.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
5	Department of Chemicals and Petro-Chemicals . .	Revenue	1,00,000	26,00,00,000	26,01,00,000
		Capital	28,37,00,000	..	28,37,00,000
6	Department of Fertilizers . .	Revenue	500,00,00,000	..	500,00,00,000
		Capital	69,50,00,000	..	69,50,00,000
9	Ministry of Civil Supplies and Public Distribution . .	Revenue	4,00,00,000	..	4,00,00,000
		Capital	..	5,00,00,000	5,00,00,000
11	Department of Commerce . .	Revenue	200,00,00,000	..	200,00,00,000
		Capital	268,00,00,000	..	268,00,00,000
15	Telecommunication Services . . .	Capital	1,00,000	..	1,00,000
24	Ministry of External Affairs . . .	Revenue	2,00,000	..	2,00,000
		Capital	2,00,000	..	2,00,000
27	Payments to Financial Institutions . .	Revenue	224,79,00,000	..	224,79,00,000
43	Cabinet . . .	Revenue	19,64,00,000	..	19,64,00,000
47	Department of Education . .	Revenue	39,00,00,000	..	39,00,00,000
51	Department of Industrial Development .	Revenue	536,06,00,000	..	536,06,00,000
52	Department of Heavy Industry . .	Capital	142,01,00,000	..	142,01,00,000
63	Ministry of Petroleum and Natural Gas .	Capital	26,39,00,000	..	26,39,00,000
67	Department of Power	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
70	Department of Science and Technology .	Revenue	..	4,00,000	4,00,000
71	Department of Scientific and Industrial Research . .	Revenue	4,00,00,000	..	4,00,00,000
		Capital	6,42,00,000	..	6,42,00,000
72	Department of Biotechnology . .	Capital	5,33,00,000	..	5,33,00,000
73	Ministry of Steel .	Capital	33,28,00,000	..	33,28,00,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
77	Ministry of Textiles . Capital	467,31,00,000	..	467,31,00,000
78	Urban Development and Housing . . Capital	3,15,00,000	..	3,15,00,000
79	Public Works . . Capital	9,97,00,000	..	9,97,00,000
81	Ministry of Water Resources . . Capital	5,82,00,000	..	5,82,00,000
	TOTAL	2593,12,00,000	*31,04,00,000*	2624,16,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1992-93.

SHANTARAM POTDUKHE.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.4(51)-B(SD)/92 dated 10 December, 1992 from Shri Shantaram Potdukhe, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the proposed Bill to authorise appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year ending 31st day of March, 1993 recommends the introduction of the Appropriation (No. 5) Bill, 1992 in Lok Sabha and also recommends to Lok Sabha the consideration of Bill under article 117(1) and (3) of the Constitution read with article 115(2) thereof.

C. K. JAIN,
Secretary-General.

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Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 22nd December, 1992 :—

BILL No. LXXX OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Seventy-ninth Amendment) Act, 1992.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 47A.

2. After article 47 of the Constitution, the following article shall be inserted, namely:—

Duty of the State to promote population control and small family norm.

"47A. The State shall endeavour to promote population control and the small family norm.".

Amendment of article 51A.

3. In article 51A of the Constitution, after clause (*j*), the following clause shall be inserted, namely:—

"(*k*) to promote and adopt the small family norm.".

Amendment of article 102.

4. In article 102 of the Constitution, in clause (1), after sub-clause (*d*), the following sub-clause shall be inserted, namely:—

"(*dd*) if he is so disqualified under the Thirteenth Schedule;".

Amendment of article 191.

5. In article 191 of the Constitution, in clause (1), after sub-clause (*d*), the following sub-clause shall be inserted, namely:—

"(*dd*) if he is so disqualified under the Thirteenth Schedule;".

Addition of Thirteenth Schedule.

6. After the Twelfth Schedule to the Constitution, the following Schedule shall be added, namely:—

'THIRTEENTH SCHEDULE

[Articles 102(1) and 191(1)]

Provisions as to disqualification on ground of violation of the small family norm

1. **Interpretation.**—In this Schedule, unless the context otherwise requires,—

(*a*) "Act" means the Constitution (Seventy-ninth Amendment) Act, 1992;

(*b*) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(*c*) "member" means a member, whether elected or nominated, of a House.

2. **Disqualification on ground of violation of small family norm.**—A person shall be disqualified for being chosen as, and for being, a member of a House if he has more than two children:

Provided that nothing contained in this paragraph shall apply to any person—

(*a*) having more than two children on the date of commencement of the Act or, as the case may be, within a period of one year of such commencement, unless he begets an additional child after the said period of one year;

(*b*) having one child on the date of commencement of the Act or, as the case may be, within a period of one year of such commencement, if a subsequent childbirth results in the birth of more than one child.

Explanation.—For the purposes of this paragraph, a person shall not cease to incur disqualification merely by reason of his giving his child in adoption.'.

STATEMENT OF OBJECTS AND REASONS

According to the 1991 Census, as on 1st March, 1991, the population of India was 844.3 million. It is increasing by more than 17 million annually. At the present growth rate of 2.05 per cent. India's population may cross one billion by 2000 A.D. Stabilisation of the population at the replacement level is an overriding national priority.

2. Unchecked population growth will have adverse implications for our socio-economic development. Enormous resources would be required to fulfil basic needs of food, housing, education, health, etc.

3. The population explosion has to be tackled on the basis of a national consensus with the participation of all citizens backed by strong political commitment. Elected representatives have to set an example and demonstrate political will and commitment for population control. Awareness of the population problem and willingness to tackle it is an important attribute of responsible citizenship.

4. It is, therefore, proposed to amend the Directive Principles of State Policy to provide that the State shall endeavour to promote population control and the small family norm and to include in the Fundamental Duties, a duty to promote and adopt the small family norm. It is also proposed that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or either House of the Legislature of a State, if he has more than two children. The proposed amendments will, however, have prospective effect and will not apply to any person who has more than two children on the date of commencement of the proposed amendment or within a period of one year of such commencement. However, if such person has another child after the said period of one year he will incur the disqualification. Similarly, in the case of a person having only one child on the date of commencement of the amendment or within a period of one year of such commencement, it is proposed to provide that if a subsequent childbirth results in the birth of more than one child he will not incur any disqualification. It is also proposed to provide that the mere act of giving a child in adoption will not enable a person to escape disqualification.

5. The Bill seeks to achieve the above objects.

M. L. FOTEDAR.

SUDARSHAN AGARWAL,
Secretary-General.

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